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| USDC SDNY<br>DOCUMENT<br>ELECTRONICALLY FILED<br>DOC #:<br>DATE FILED: 11/3/2020 |
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                           |   |                 |
|---------------------------|---|-----------------|
| -----                     | X |                 |
| UNITED STATES OF AMERICA, | : |                 |
|                           | : |                 |
| -against-                 | : | 18-CR-840 (VEC) |
|                           | : |                 |
| DEJAN PISKACEK,           | : | <u>ORDER</u>    |
|                           | : |                 |
| Defendant.                | : |                 |
| -----                     | X |                 |

VALERIE CAPRONI, United States District Judge:

WHEREAS on February 5, 2020, the Court entered a Judgment sentencing Defendant Dejan Piskacek to a term of imprisonment of “eight (8) months incarceration to be followed by eight (8) months of house arrest under electronic monitoring” (Dkt. 142);

WHEREAS as part of the same Judgment, the Court imposed a three-year term of supervised release to begin after Defendant finished serving his eight months of house arrest;

WHEREAS on October 22, 2020, the Probation Department sought clarification from the Court whether the eight months of house arrest were part of Defendant’s term of imprisonment or part of Defendant’s term of supervised release;

WHEREAS the Court confirmed that the eight months of house arrest were part of Defendant’s term of imprisonment;

WHEREAS nevertheless, on November 2, 2020, the Government informed the Court that Defendant had been released from custody on or about October 16, 2020, after which he was not placed on home confinement with electronic monitoring (Dkt. 171);


WHEREAS the Government asserts that the Bureau of Prisons (“BOP”) cannot now place Defendant on house arrest with electronic monitoring because he has already been released from custody; and

WHEREAS due to this oversight, the Government now requests that the Court rectify the Government's own mistake by modifying the Court's Judgment to make eight months of home confinement with electronic monitoring part of Defendant's three-year term of supervised release;

IT IS HEREBY ORDERED that not later than **November 10, 2020**, the Government must explain in detail why BOP failed to execute the sentence as stated in the Court's February 5, 2020 Judgment. The Government must further explain why BOP should not be ordered to rectify its error by taking Defendant back into custody to serve the eight months of house arrest with electronic monitoring as part of his term of imprisonment as required by the Court in its original Judgment.

**SO ORDERED.**

**Date: November 3, 2020**  
**New York, NY**

  
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**VALERIE CAPRONI**  
**United States District Judge**